

James B. Panther (SBN 55987)
INTERNATIONAL LAW GROUP, A.P.C.
2794 Gateway Road
Carlsbad, CA 92009
Telephone: (760) 602-6227
Facsimile: (877) 428-4096

Attorneys for Plaintiffs
JACK D. HARRISON and NAOMA HARRISON

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JACK D. HARRISON AND NAOMA
HARRISON,
Plaintiffs,
v.
BANKERS STANDARD INSURANCE
COMPANY; BBVA COMPASS INSURANCE
AGENCY, INC.,
Defendants.

) Case No.: 13CV1682 DMS JMA
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) JOINT MOTION TO CONTINUE
) DATES SET PREVIOUSLY BY COURT
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Date Action Filed: July 18, 2013
Trial Date: May 12, 2015
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BACKGROUND AND THE PARTIES' POSITIONS

James Panther, attorney of record for Plaintiffs, filed his Notice of Unavailability [Docket No. 61] concerning his unavailability between May 26, 2014 and June 14, 2014 due to a preplanned vacation overseas. Prior to the completion of his trip, Mr. Panther encountered a critical medical condition, which resulted in his physician placing him under strict medical observation and issuing irrevocable doctors' orders. Specifically, the doctor's orders precluded his return to work prior to July 21, 2014.

Based on this information, Plaintiffs scheduled the deposition of a key witness for August 4, 2014 while Defendant set Plaintiffs' depositions for August 5, 2014 and August 6, 2014. However, due to Mr. Panther's continuing medical condition, his doctors ordered him to rest until at least August 15, 2014. As a result, all depositions were taken off calendar. A true and correct copy of the note from Mr. Panther's cardiologist is attached hereto as Exhibit A.

Mr. Panther is the sole attorney representing the Plaintiffs and has not designated substitute counsel in this matter. However, Mr. Panther has recently associated with an attorney. Thus, additional time is needed for the recently associated attorney to get up to speed. This association should avoid any additional delays.

The Parties have confirmed a private mediation date of September 22, 2014 with Robert Kaplan of Judicate West with the hopes of avoiding further discovery expenses. As such, good cause exists for this request for a continuance of approximately 45 days of the dates previously set by this Court.

This joint motion is made with the agreement of counsel for both Defendants based on the delays in completion of discovery and preparation for trial necessitated by the current medical situation of Plaintiffs' counsel.

PROPOSED MODIFICATION OF DATES PREVIOUSLY SET
[DOCKET NOS. 49, 65, and 75]

Deadlines prior to the following dates have been met and will not be addressed. The pending deadlines which the parties seek to adjourn are as follows.

1. **October 17, 2014:** All expert disclosures required by Fed. R. Civ. P. 26(a)(2).

Subject to the Court's approval, the parties propose a *continuation of August 5, 2014 to October 17, 2014.*

1 2. **October 31, 2014:** Date to disclose any contradictory or rebuttal
2 information.

3 Subject to the Court's approval, the parties propose a ***continuation of***
4 ***September 5, 2014 to October 31, 2014.***

5 3. **December 5, 2014:** Date to complete all discovery, including expert
6 discovery, by all parties.

7 Subject to the Court's approval, the parties propose a ***continuation of***
8 ***October 10, 2014 to December 5, 2014.***

9 4. **January 9, 2015:** Date to file all motions, other than motions to
10 amend or join parties, or motions in limine.

11 Subject to the Court's approval, the parties propose a ***continuation of***
12 ***November 10, 2014 to January 9, 2015.***

13 5. _____ **(As decided by Court):** Date of Mandatory
14 Settlement Conference.

15 Subject to the Court's approval, the parties propose a ***continuation of***
16 ***January 14, 2015 to a date after March 1, 2015 as decided by the Court.*** The
17 parties may either submit confidential settlement statements or exchange their
18 settlement statements ***by noon on*** _____.

19 6. **March 19, 2015:** Last day for parties to comply with the pretrial
20 disclosure requirements of Fed. R. Civ. P. 26(a)(3).

21 Subject to the Court's approval, the parties propose a ***continuation of***
22 ***February 2, 2015 to March 19, 2015.***

23 7. **March 19, 2015:** Last day for parties to serve and file with the Clerk
24 of Court their Memorandum of Contentions of Fact and Law and take any other
25 action required by Local Rule 16.1.f.2.

26 Subject to the Court's approval, the parties propose a ***continuation of***
27 ***February 2, 2015 to March 19, 2015.***

1 8. **March 26, 2015:** Last day for Counsel to confer and take the action
2 required by Local Rule 16.1.f.4.a.

3 Subject to the Court's approval, the parties propose a ***continuation of***
4 ***February 9, 2015 to March 26, 2015.***

5 9. **April 2, 2015:** Last day for counsel for plaintiffs to provide
6 opposing counsel with the proposed pretrial order for review and approval and
7 take any other action required by Local Rule 16.1.f.6.a.

8 Subject to the Court's approval, the parties propose a ***continuation of***
9 ***February 16, 2015 to April 2, 2015.***

10 10. **April 2, 2015:** Last day to file and serve written objections, if any,
11 to any party's Fed. R. Civ. P. 26(a)(3) pretrial disclosures.

12 Subject to the Court's approval, the parties propose a ***continuation of***
13 ***February 16, 2015 to April 2, 2015.***

14 11. **April 9, 2015:** Last day to lodge Pretrial Order with the district
15 judge's chambers.

16 Subject to the Court's approval, the parties propose a ***continuation of***
17 ***February 23, 2015 to April 9, 2015.***

18 12. **(As Decided by Court):** Final Pretrial Conference.
19 The parties request that the final pretrial conference be moved approximately 45
20 days from March 9, 2015, the date previously scheduled by the Honorable
21 Cynthia Bashant.

22 13. **(As Decided by Court):** Trial.
23 Trial was previously scheduled to commence on May 12, 2015. The parties
24 request that the May 12, 2015 trial date be moved approximately 45 days.

25 In the event the proposed dates are not acceptable to the Court, the parties
26 request that the Court set alternative dates or schedule a further status conference
27 in this matter.

DUE DILIGENCE

Per Local Rule 16.1.b. and Fed. R. Civ. P. 16, counsel has been diligent in moving this matter forward.

1. The parties have exchanged written discovery and responses and are in the process of meeting & conferring on some of those responses.

2. The parties were just beginning to take depositions of witnesses in early June when they learned of Mr. Panther's medical situation. The parties rescheduled depositions for early August. Unfortunately, Mr. Panther's health continued to interfere with his ability to attend depositions as his doctors required he refrain from work until at least August 15, 2014.

Plaintiffs and BBVA are currently attempting to reschedule the depositions of Paula Brevig (BBVA's witness), Brett Lawless, and both Plaintiffs.

3. Plaintiffs, Bankers Standard, and American Family (Defendant in a Colorado lawsuit involving the same theft at issue in this case) have confirmed participation in private mediation currently set for September 22, 2014. Robert Kaplan of Judicate West has agreed to act as the mediator. BBVA has reserved its right to participate in the September 22, 2014 mediation. Participants in the mediation have agreed to share the fees and costs.

DECLARATION REGARDING MEET AND CONFERENCE

The undersigned have made good faith efforts to meet and confer prior to preparing and filing this joint motion to continue hearing dates previously set by the Court. The undersigned hereby declare under penalty of perjury of the laws of the State of California of having fulfilled the duty to promptly meet and confer by telephone and by email between July 29, 2014 and the date of the filing of this joint motion to reach common ground on all issues set forth above.

1 INTERNATIONAL LAW GROUP, A.P.C.
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4 Date: August 1, 2014

/s/ *James B. Panther*

5 James B. Panther
6 Attorney for Plaintiffs
7 JACK D. HARRISON and NAOMA
HARRISON

8 COZEN O'CONNOR

9
10 Date: August 1, 2014

/s/ *Joann Selleck*

11 Joann Selleck
12 Attorneys for Defendant
13 BANKERS STANDARD INSURANCE
COMPANY

14
15 McGINNIS WUTSCHER BEIRAMEE LLP
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17
18 Date: August 1, 2014

/s/ *Patrick Kane*

19 Patrick Kane
20 Attorneys for Defendant
21 BBVA COMPASS INSURANCE
AGENCY, INC.

1 **TABLE OF EXHIBITS**

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3 Letter from David Rubenson, MD re: Jim Panther.....1

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Exhibit A



David S. Rubenson, M.D., F.A.C.C., F.A.S.E.
Director, Cardiac Non-Invasive Laboratory
Division of Cardiovascular Diseases
Scripps Clinic Torrey Pines

10666 North Torrey Pines Road
La Jolla, CA 92037

Tel 858-455-9100 Direct 858-554-8186
www.scrippsclinic.com

July 2, 2014

To Whom It May Concern,

Mr. James Panther, 11/8/42, had a heart attack on May 29, 2014, in Barcelona, Spain. He was not able to travel home until June 9th, doctor recommended recuperation for three weeks. At this point he needs further evaluations. We recommend that he continue his recuperation for 3 more weeks, approximately August 15, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "DR".

David Rubenson, MD

PROOF OF SERVICE

**Harrison, et al. v. Bankers Standard Insurance Company, et al.,
3:13-cv-01682-DMS-JMA**

At the time of service, I was over 18 years of age and not a party to this action. My business address is
2794 Gateway Road, Carlsbad, California 92009. On the date indicated below, I served the following document:

JOINT MOTION TO CONTINUE DATES SET PREVIOUSLY BY COURT

- By United States Mail. I enclosed the document in a sealed envelope or package addressed to the persons at the addresses on the attached Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Carlsbad, California.
- By E-Mail or Electronic Transmission. I hereby certify that on the date referenced below, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

on the persons listed on the attached below:

Joann Selleck, Esq.
COZEN O'CONNOR
501 West Broadway, Suite 1610
San Diego, CA 92101
Telephone: (619) 234-1700
Facsimile: (619) 234-7831
Email: JSelleck@cozen.com

Attorneys for Defendant
BANKERS STANDARD INSURANCE
COMPANY and ACE PROPERTY
CASUALTY INSURANCE COMPANY

Patrick Kane, Esq.
McGINNIS WUTSCHER BEIRAMEE LLP
402 W. Broadway, Suite 400
San Diego, CA 92101
Tel. (619) 618-2874
Fax (866) 581-9302
Email: pkane@kahrlwutscherllp.com

Attorneys for Defendant
BBVA COMPASS INSURANCE
AGENCY, INC.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is
true and correct. Executed at Carlsbad, California, on August 1, 2014.

/s/ Alicia Altenau
Alicia Altenau